10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Noreen1 in view of Shah-Nazaroff (US 2002/0053077); and claims 11-17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Noreen1 in view of Noreen2 and in further view of Palmer. These grounds of rejection are respectfully traversed.

As explained during the telephone interview, claim 1, for example, recites "charging the sponsor a fee for broadcasting the advertisement, wherein the fee is based on the quantity of indications that are received, and wherein the indications each reference the identifier."

This limitation describes a methodology by which a sponsor will be charged based on the performance of the advertisement. If no, or few, persons who observe the advertisement react to the advertisement, then the sponsor's cost for broadcasting the advertisement would presumably be lower than if many people reacted (i.e., where many electronic indications are received).

While Noreen1 discloses some features of the present invention, the reference, as acknowledged in the Office Action (See page 5), does not teach the fee charging aspect of the claims. Palmer was cited for this feature of the claimed invention. Palmer discloses a system in which a paging system transmits a URL at substantially the same time as a radio or TV broadcast. The URL is detected by a pager and associated computer program and a browser is *automatically* directed to the received URL. (Emphasis added.) (See col. 5, lines 32-34.) Col. 7, lines 19-27 of Palmer further disclose that home pages may audit the number of "hits" received, and that advertising fees may be based on the number of hits.

Significantly, however, in the Palmer system every user who has a pager 30 that is powered ON and properly connected to computer 44 will register as a "hit." That is, whether the recipient of the URL is in fact interested in the web page or not, the computer's browser is automatically directed to the web page (e.g., home page of the advertiser). Accordingly, the

number of "hits" does not, at all, correspond to the number of ***actual*** interested persons. Claim 1, on the other hand, requires that the received indications "indicate interest in the product."

Likewise, a URL (such as, e.g., www.cnn.com) could be accessed by people other than people who received transmitted paging messages of the URL. CNN would have no way of knowing which of the hits are a result of the transmitted pages, or a result of random people accessing the web site.

In sum, the Palmer system is a very crude, inaccurate way of calculating fees for advertisers. In contrast, the claimed use of a (unique) identifier to calculate fees in the presently claimed invention is more accurate because, as required by the claims, the SAME identifier broadcast in the first place is also the identifier that is received for purposes of calculating the fees. There is no intent that the identifier could be used, inadvertently or intentionally, by others who are not responding directly to the broadcast.

Additionally, in connection with the operation of the internet/world wide web which is critical in Palmer, a URL, per se, is never sent back to a website. Rather, the URL is converted to an IP address which is used to contact the desired website. Thus, the URL itself that is sent via the paging system in Palmer is never received by anyone/anything other than the pager 30 and connected computer 44. In contrast, the recited "electronic indications" that are received in connection with the present invention "reference **THE** identifier." Again, the same identifier that is received via the broadcast is received in connection with calculating fees. (See claim 1.)

Moreover, Noreen1 says nothing about the use of URLs and thus one of ordinary skill in the art would never have even been motivated to combine the teachings of Norren1 and Palmer as asserted in the Office Action.

It is noted that each of the other independent claims includes limitations that require that the same identifier that is broadcast is also received for purposes of calculating fees:

Claim 6 - "wherein the first quantity of electronic indications reference the first identifier."

Claim 11- "broadcasting a unique program identifier," "recording the unique program identifier," downloading the unique identifier," charging the sponsor for each unique identifier that is downloaded."

Claim 18 - wherein the wireless order message references the unique program identifier."

Finally, none of the other prior art of record overcomes the deficiencies described above.

Based at least on these reasons, and as agreed during the telephone interview, the pending grounds of rejection should be withdrawn.

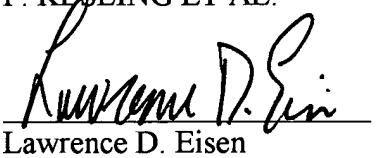
In view of the foregoing all the claims in this application are believed to be in condition for allowance. Should the Examiner have any questions or determine that any further action is desirable to place this application in even better condition for issue, the Examiner is encouraged to telephone applicants' undersigned representative at the number listed below.

PILLSBURY WINTHROP SHAW PITTMAN LLP
1650 Tysons Boulevard
McLean, VA 22102
Tel: 703/770-7900

Respectfully submitted,

P. KESLING ET AL.

Date: March 29, 2006

By: 

Lawrence D. Eisen
Registration No. 41,009

LDE/dkp

Customer No. 00909